



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency the promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R15-31]

PREAMBLE

1. **Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
R12-4-202 Amend
2. **Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 17-231(A)(1)
Implementing statute: A.R.S. §§ 17-333, 17-336, and 41-1005
3. **Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 21 A.A.R. 759, May 29, 2015 (*in this issue*).
4. **The agency's contact person who can answer questions about the rulemaking:**
Name: Celeste Cook, Rules Analyst
Address: Arizona Game and Fish Department
5000 W. Carefree Highway
Phoenix, AZ 85086
Telephone: (623) 236-7390
Fax: (623) 236-7677
E-mail: CCook@azgfd.gov
Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml
5. **An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**
An exemption from Executive Order 2015-01 was provided for this rulemaking by Ted Vogt, Chief of Operations in the Governor's office, in an e-mail dated April 7, 2015.

The Commission's Disabled Veteran's License was selected for the first wave of the Lean Transformation of Arizona State Government. The Commission proposes to amend the rule to allow the Department to accept a benefits letter issued by the U.S. Department of Veterans Affairs (DVA) or an eBenefits letter downloaded from the DVA website as proof of eligibility and allow applicants to attest that application information is true and correct, instead of requiring a notarized signature. If the applicant fails to obtain the required certification, as a courtesy, the Department will mail the form to DVA on behalf of the applicant. It can take as long as 60 days for DVA to return the completed form to the Department and during this time the applicant may call the Department numerous times to inquire about the status of their application. DVA provides an online eBenefits for veterans. Through this website, a veteran can access the DVA website, create an account, and immediately obtain documentation that provides proof of the applicant's disability rating. Expanding the types of documents that can be used to verify an applicant's dis-



ability rating will greatly reduce the amount of time taken to verify the applicant's disability rating as well as the administrative burden the Department takes on when mailing the form to DVA on behalf of the applicant. The amendment that replaces the notary requirement with an attestation statement that affirms the information provided on the application is true and correct is made to reduce the regulatory burden placed on the regulated community.

6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Commission did not rely on any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule.

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

8. The preliminary summary of the economic, small business, and consumer impact:

The Commission's intent in proposing the amendments indicated in item #5 is to benefit the regulated community, members of the public, and the Department by allowing the Department to accept a benefits letter issued by the DVA or an eBenefits letter downloaded from the DVA website as proof of eligibility and allowing applicants to attest that application information is true and correct, instead of requiring a notarized signature. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. Expanding the types of documents that can be used to verify an applicant's disability rating will greatly reduce the amount of time taken to verify the applicant's disability rating as well as the administrative burden the Department takes on when mailing the form to DVA on behalf of the applicant. Replacing the notarization requirement with an attestation statement will reduce costs incurred by the veteran when having their signature notarized. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Celeste Cook, Rules Analyst
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10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: August 7, 2015
Time: 8:00 a.m. to 5:00 p.m.
Location: Little America Hotel
2515 E. Butler Ave.
Flagstaff, AZ 86004

Close of record: August 7, 2015

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:

R12-4-202 requires a general permit and is in compliance with the requirements prescribed under A.R.S. § 41-1037.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

The Department did not receive any analyses.



12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
Not applicable

13. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

Section

R12-4-202. Disabled Veteran's License

ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

R12-4-202. Disabled Veteran's License

- A.** A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's license is only available at a Department office.
- B.** The disabled veteran's license is a complimentary license and is valid for a three-year period from the issue date or the license holder's lifetime, as established under subsection (F).
- C.** An eligible applicant is a disabled veteran who:
1. Has been a resident of Arizona for at least one year immediately preceding application, and
 2. Is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling. Eligibility for the disabled veteran's license is based on the disability rating, not on the compensation received by the veteran.
- D.** A person applying for a disabled veteran's license shall submit an application to the Department. The application form is furnished by the Department and is available at any Department office and online at www.azgfd.gov. The applicant shall provide all of the following information on the application:
1. The applicant's personal information:
 - a. Name;
 - b. Date of birth;
 - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
 - d. Department identification number, when applicable;
 - e. Residency status and number of years of residency immediately preceding application, when applicable;
 - f. Mailing address, when applicable;
 - g. Physical address;
 - h. Telephone number, when available; and
 - i. E-mail address, when available;
 2. Affirmation that:
 - a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-336(A)(2),
 - b. The applicant has been a resident of this state for at least one year immediately preceding application for the license,
 - c. The information provided on the application is true and accurate; ~~and~~
 3. Applicant's signature and date. ~~The applicant's signature shall be either notarized by a notary public or witnessed by a Department employee.~~
- E.** In addition to the requirements established under subsection (D), at the time of application an applicant for a disabled veteran's license shall also submit an original certification at the time of application or a benefits letter issued by the United States Department of Veteran's Affairs (DVA), or obtained from the DVA website, that meets the requirements specified in subsections (1), (2), and (3). The certification form is furnished by the Department and is available at any Department office and online at www.azgfd.gov. The certification shall be completed by an agent of the United States Department of Veteran's ~~Services Affairs~~. The certification shall include all of the following information:
1. The applicant's full name,
 2. Certification that the applicant is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling,
 3. Certification that the 100% rating is permanent, and:
 - a. Will not require reevaluation or
 - b. Will be reevaluated in three years, and
 4. The signature and title of the Department of Veterans' Services agent who issued or approved the certification.
- F.** If the certification or benefits letter required under subsection (E) ~~indicates that~~ indicate the applicant's disability rating of 100% is permanent and:
1. Will not be reevaluated, the disabled veteran's license will not expire.
 2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.



- G** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- H.** The Department shall deny a disabled veteran's license when the applicant:
 - 1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(2),
 - 2. Fails to comply with the requirements of this Section, or
 - 3. Provides false information during the application process.
- I.** The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- J.** A disabled veteran's license holder may request a no-fee duplicate paper license provided:
 - 1. The license was lost or destroyed,
 - 2. The license holder submits a written request to the Department for a duplicate license, and
 - 3. The Department's records indicate a disabled veteran's license was previously issued to that person.
- K.** A person issued a disabled veteran's license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).
- L.** For the purposes of this Section, "disabled veteran" means a veteran of the armed forces of the United States with a service connected disability.